

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.19414 of 2007

Date: 17-09-2007

Between:

Tirupathi Giri Raju and others

Petitioners

And

The Station House Officer &
Circle Inspector of Police,
P.S.Vanasthalipuram,
Ranga Reddy District and another

Respondents

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W.P.No.19414 of 2007

ORDER:

1. The writ petitioners are all members of a joint family. They own large extents of land situate in Survey No.609 of Nadergul village of Saroornagar Mandal, Ranga Reddy District. When they suspected that the Police at Vanasthalipuram were seeking to interfere with their rights in the property at the instance of certain land developers, they instituted the present writ petition seeking a writ of Mandamus to direct respondents 1 and 2 not to interfere with their civil rights over the land bearing Survey No.609 (part) measuring Ac.162.12 gts. of Nadergul village. The writ petitioners have pointed out that two constables have been deputed by the Sub Inspector of Police, Vanasthalipuram Police Station to stand guard at the lands in question so that in their presence the developers would be able to develop the land. The petitioners have also asserted that there are already civil suits instituted by them in O.S.No.67 of 2003 and O.S.No.68 of 2003 on the file of the District Court, Ranga Reddy for securing partition of the property in question by metes and bounds in favour of each of the shareholders of the joint family and that the said civil suits are pending trial as of now. Therefore, the writ petitioners assert that before the respective rights of the joint owners have been crystallized, the sale transaction of the lands indulged in by some of those joint owners shall not result in dispossession of the family of certain piece of land at all.

2. The Sub-Inspector of Police, Vanasthalipuram Police Station in his written instructions to the learned Government Pleader for Home has

denied that he had posted two constables at the site in question on 09-09-2007 to help the land brokers etc. It is further pointed out that no one has ever approached the Police Station nor did any one lodge a complaint against the petitioners and since no case is registered against the petitioners, the question of interference by the respondent-Police with the right of the writ petitioners to hold peacefully of their land, simply does not arise. Without registering any complaint against the petitioners, the Police would not be justified in any manner to cause hindrance or interference with the right of the petitioners to peacefully hold and enjoy the land owned by them.

3. Since it has been asserted by the local Police that they made no attempt whatsoever to cause any hindrance or interference with the right of the writ petitioners herein to hold and enjoy the land owned by them and have also pointed out that as a part of bandobust duty with regard to the visit of a public servant to a nearby locality Policemen were posted on a particular day and that no police have been specifically posted at the site in question to cause any interference or hindrance to the right of the petitioners, this writ petition does not deserve any further consideration and it is only hoped that the Police will not cause any hindrance or interference to the right of the petitioners to hold and peacefully enjoy the land owned by them without there being any complaint entertained against the petitioners from any source.

4. The writ petition stands disposed of. No order as to costs.

NOOTY RAMAMOHANA RAO,J

17-09-2007

Stp

